

REMARKS

Claims 1-16 are pending in the application. Claims 1, 2 and 15 are rejected under 35 U.S.C. §102(e). Applicants respectfully traverse these rejections for at least the reasons stated herein.

Claims 6-8 are objected to as being in improper form because a multiple dependent claim must refer back in the alternative only. Applicant has amended Claims 6-8 to overcome the Examiner's objection as to improper form and has added new claims 17-20 in response to amended Claims 6-8. New claims 17-20 arise from the elimination of improper multiple dependent Claims 6-8.

Applicant thanks the Examiner for the indication of allowability of claims 3-14, subject to the results of a final search and subject to the objections to dependent claims 6-8 as detailed above.

Also, the Examiner objected to Claim 16 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has rewritten claim 16 in independent form including all of the limitations of the base claim and any intervening claims and therefore claim 16 is allowable. Applicants note that claim 16 was not amended to overcome prior art but to be written in independent form. Hence, the amendment made to claim 16 was not narrowing in scope and therefore no prosecution history estoppel arises from the amendment made to claim 21. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-1712 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2002). Further, the amendment made to claim 16

was not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such an amendment. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

I. REJECTIONS UNDER 35 U.S.C. §102(e):

The Examiner has rejected claims 1, 2, and 15 under 35 U.S.C. § 102(e) as being anticipated by *Abileah et al.*, U. S. Patent Application Publication US 2002/0038336 (hereinafter "*Abileah*"). Applicant respectfully traverses this rejection for at least the reasons stated below and respectfully requests the Examiner to reconsider and withdraw this rejection.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim.

M.P.E.P. § 2131.

Applicant respectfully asserts that *Abileah* does not disclose "software executing within said server central processing unit which adapts said server to respond to a request communicated from said client central processing unit by invoking the execution of a CICS transaction within said server, converting said executed transaction's output to an XML document and communicating said XML document to said client central processing unit" as recited in claim 1. There is no language found in *Abileah* that discloses these limitations. Thus, *Abileah* does not disclose all of the limitations of claim 1, and thus does not anticipate claim 1. M.P.E.P. §2131. The Examiner cites §0055, §0060, §0007, §0020, §0022, §0023, §0055, and

§0056 of *Abileah* as disclosing the above-cited claim limitation. Applicants respectfully traverse.

Abileah instead discloses as the preferred embodiment a common application metamodel tool used in a transaction message management environment for processing an application request. §0018-0019. *Abileah* further teaches that the application request is initiated on the end user application in a first language with a first application program, and transmitted to the server where it is converted from the first language of the first end user application to a form for the transaction manager running on the application server. §0019. The response to the application request is converted from the language and form of transaction manager running on the application server to the first language of the first end user application. §0019. The end user application and the application server have at least one connector therebetween. §0019. In this way steps of (i) converting the application request from the first language of the first end user application as a source language to the language (including the form of the transaction message manager) running on the application server as a target language, and (ii) converting a response to the application request from the language (including the form of the transaction message manager) running on the application server as a source language to the first language of the first end user application as a target language, each comprise the steps of: invoking connector metamodels of respective source language and target transaction manager; populating the connector metamodels with metamodel data of each of the respective source language and target transaction manager, the metamodel data of the target transaction manager including control data, state data, and user data; and converting the source language to the transaction manager.

§0019. To be noted is that the metamodel data of the target transaction manager includes control data, state data, and user data. §0019.

Abileah further discloses that the common application metamodel (CAM) is a metadata interchange method, tool, and system for marshaling and applying information needed for accessing enterprise applications in a source language and converting them to a target language. §0059. CAM consists of language metamodels and application domain interface metamodels which illustrates the roles of message sets, SQL stored procedures, legacy applications, and programming languages as inputs to the metadata repository of the Common Application Metamodel to facilitate enterprise application integration. §0059.

Abileah further discloses and illustrates the flow of information from an existing application, through an interface to an object model containing application interface metadata. This application interface metamodel is stored in the metadata repository, and, at an appropriate time, retrieved from the metadata repository, combined with a source program in a generation tool, and used to generate a target file, as an XML file, i.e., an XMI instance file. CAM is highly reusable and independent of any particular tool or middleware. Fig. 5 and §0062. Hence, *Abileah* teaches a common application metamodel (CAM) that is a metadata interchange method, tool, and system for marshaling and applying information needed for accessing enterprise applications in a source language and converting them to a target language. The CAM does not adapt a server to respond to a request communicated from a client central processing unit by invoking the execution of a CICS transaction within the server, converting the executed transaction's output to an XML document and communicating the XML document to the client

central processing unit. Thus, *Abileah* does not disclose all of the limitations of claim 1, and thus *Abileah* does not anticipate claim 1. M.P.E.P. §2131. As a result of the foregoing, Applicants respectfully assert that not each and every claim limitation was found within *Abileah*, and thus claim 1 is not anticipated by *Abileah*.

Furthermore, dependent Claim 2 depends from Claim 1. Since Claim 1, detailed above, is not anticipated by the *Abileah* reference, it is respectfully submitted that Claim 2 is also not anticipated by the *Abileah* reference.

Applicant respectfully asserts that *Abileah* does not disclose "a central processing unit that, when executing said program, adapts said general purpose computer to facilitate the invocatin of a CICS transaction within said central processing unit based upon a client communicated central processing unit request, converts said invoked transaction's output to an XML document and transmits said XML document to a client central processing unit" as recited in claim 15. As similar to Claim 1, the Examiner cites §0055, §0007, §0020, §0022, §0023, §0055, and §0056 of *Abileah* as disclosing the above-cited claim limitation of Claim 15. Applicants respectfully traverse.

Abileah instead discloses the flow of information from an existing application, through an interface to an object model containing application interface metadata. This application interface metamodel is stored in the metadata repository, and, at an appropriate time, retrieved from the metadata repository, combined with a source program in a generation tool, and used to generate a target file, as an XML file, i.e., an XMI instance file. CAM is highly reusable and independent of any particular tool or middleware. §0060. Hence, *Abileah* teaches a common application

metamodel (CAM) that is a metadata interchange method, tool, and system for marshaling and applying information needed for accessing enterprise applications in a source language and converting them to a target language. The CAM does not adapt a server to respond to a request communicated from a client central processing unit by invoking the execution of a CICS transaction within the server, converting the executed transaction's output to an XML document and communicating the XML document to the client central processing unit. Thus, *Abileah* does not disclose all of the limitations of claim 15, and thus *Abileah* does not anticipate claim 15.

M.P.E.P. §2131. As a result of the foregoing, Applicants respectfully assert that not each and every claim limitation was found within *Abileah*, and thus claim 15 is not anticipated by *Abileah*.

II. CONCLUSION

As a result of the foregoing, it is asserted by Applicants that claims 1-20 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Although Applicant has added new claims 17-20, and enclosed is a check in the amount of \$100.00, the filing fee for one (1) additional independent claim. Applicant believes no

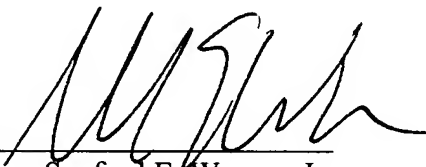
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additional filing fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account Number 23-2426 of WINSTEAD SECHREST & MINICK P.C.

Respectfully submitted,
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